



Clean Harbors Environmental Services, Inc.
2247 South Highway 71
Kimball, Nebraska 69145
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www.cleanharbors.com

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APR 20 2015

April 17, 2015

Ms. Patricia Reitz
AWMD/CRIB
U.S. Environmental Protection Agency, Region 7
11201 Renner Blvd.
Lenexa, KA 66219

RE: Risk Management Program Inspection
Case Number: 13NE1028

Dear Ms. Reitz,

Clean Harbors Environmental Services, Inc. (CHESI) received the inspection report of the October 28-31, 2013 Risk Management Plan (RMP) inspection conducted by representative of the U.S. Environmental Protection Agency, Region 7 (EPA). This letter and attachments are in response to the received inspection report.

Please find the following attachments to this letter:

- Attachment One – CHESI's responses to the EPA's RMP inspection findings.
- Attachment Two – 2012 Process Safety Management Audit Certification
- Attachment Three – Pre-Startup Safety Review of Dual Stacked Shredder System
- Attachment Four – Worksite Analysis, 2-D: Incident Reporting and Investigations Policy

If you have any questions, please contact me by email or by phone at (308) 235-8260.

Sincerely,

A handwritten signature in blue ink that reads "Jessica Grow".

Jessica Grow
Compliance Manager
grow.jessica@cleanharbors.com

Attachment One

CHESI's Responses to the EPA's RMP Inspection Findings

CHESI's Responses to the EPA's RMP Inspection Findings

#	Regulatory Citation	Findings/Observations	Supporting Documents	CHESI Response
1	40 CFR 68.65(d) – (1) Information pertaining to the equipment in the process shall include: ... (ii) Piping and instrument diagrams (P&ID's) ... (2) The owner or operator shall document that equipment complies with recognized and generally accepted good engineering practices.	CHESI has not created a complete equipment list with respective Recognized and Generally Accepted Good Engineering Practices (RAGAGEP).	<p>Appendix C – 2003, 2006, 2009, and 2012 Compliance Audit Reports</p> <p>Appendix D – PSM Vessel and Equipment List</p> <p>Appendix E – Piping Diagram of Ultrasonic Testing Location For Tanks 360 and 361</p> <p>Appendix F – General Facility Piping Specification</p>	<p>Appendix D (revised 1-17-11) shows the complete equipment list that was completed on May 18, 2012. The piping specifications were provided in Appendix F and confirm that the facility is compliant with the appropriate RAGAGEP standards. Facility P&IDs show all of the RMP piping and follow the provided piping specifications (See specification 35-1505 Process and Utility Piping Rev Date 3-9-93 Rev 9., Appendix F).</p> <p>The March 2009 PSM audit was signed on May 18, 2012 signifying that the 2009 PSM audit and findings were completed. The completed dates can be found in Appendix C, all of which were completed before the audit was signed. Clean Harbors policy is to sign the PSM audit after all of the corrective actions have been closed. The 3 year RMP audits are all signed at the time of the audits.</p>
2	40 CFR 68.79(a) – The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart at least every three years...	CHESI did not sign the 2012 compliance audit, and the 2009 compliance audit was not signed until 3 years later, in 2012 (Appendix C).	Appendix C – 2003, 2006, 2009, and 2012 Compliance Audit Reports	The 2009 and 2012 internal PSM audits were signed during the next 3 year audits to confirm that everything was completed based on CHESI personnel interpretations. The 2012 audit was signed during the 2015 Compliance Audit and is provided in the

				attachments.
3	40 CFR 68.79(d) – The owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.	CHESI did not promptly address two findings from the 2009 and 2012 compliance audits.	<p>Appendix C – 2003, 2006, 2009, and 2012 Compliance Audit Reports</p> <p>Appendix D – PSM Vessel and Equipment List</p>	<ol style="list-style-type: none"> 1. Facility P&IDs show all of the RMP piping and follow the provided piping specifications (See specification 35-1505 Process and Utility Piping Rev Date 3-9-93 Rev 9.) and confirm that the facility is compliant with the appropriate RAGAGEP standards. 2. At the time of the audits CHESI personnel verified that the audit findings were closed.
4	40 CFR 68.81(e) – The owner or operator shall establish a system to promptly address and resolve the incident report findings and recommendations. Recommendations and corrective actions shall be documented	Fires continue to occur in the dual stack shredder, even though shredder fires have been identified during the process hazard analysis and during various incident investigations.	<p>Appendix G – November 2009 Process Hazard Analysis Revalidation</p> <p>Appendix H – 2010 Incidents</p> <p>Appendix I – 2011 Incidents</p> <p>Appendix J – 2012 Incidents</p> <p>Appendix K – 2013 Incidents</p>	The fires in Area 55 have decreased significantly since the installation of the dual stacked shredder and the nitrogen blanketed system. The fires that have occurred have been incipient in nature. The building and individual equipment have built in fire suppression systems to ensure that if there is a fire in this building that it is extinguished as soon as possible. In addition, since the installation of the dual stacked shredder and the nitrogen blanketed system the frequency of the small incipient fires have decreased significantly as was noted by the RMP

				<p>inspectors.</p> <p>Through the PHA process, CHESI is actively improving all PSM/RMP covered process to decrease the risk of fires. The CHESI facility is also an OSHA VPP Star site and its main focus is the safety of the employees and prevention of incidents.</p>
5	<p>40 CFR 68.67(f) – At least every five (5) years after the completion of the initial process hazard analysis shall be updated by a team meeting the requirements in paragraph (d) of this section, to assure that the process hazard analysis is consistent with the current process.</p> <p>40 CFR 68.67(a) – The owner or operator shall perform an initial process hazard analysis (hazard evaluation) on processes covered by this part.</p>	<p>The 2009 PHA revalidation did not address issues from past PHA recommendations, and should have been conducted as an initial PHA instead of a revalidation. Fires continue to occur in the dual stack shredder, even though shredder fires were identified prior to the 2009 PHA and during various incident investigations.</p>	<p>Appendix G – November 2009 Process Hazard Analysis Revalidation</p> <p>Appendix H – 2010 Incidents</p> <p>Appendix I – 2011 Incidents</p> <p>Appendix J – 2012 Incidents</p> <p>Appendix K – 2013 Incidents</p>	<p>The fires that continue to occur in Area 55 have decreased significantly since the installation of the dual stacked shredder and the nitrogen blanketed system. The fires that have occurred have been incipient in nature. Through the PHA process, CHESI is actively improving all PSM/RMP covered process to decrease the risk of fires. The 5 year PHA revalidation and the 3 year audits promote the continued focus on eliminating the chance of fires in this building. This is evident in the decline of fires in this area.</p>
6	<p>40 CFR 68.200 – the owner or operator shall maintain records supporting the implementation of this part for five years</p>	<p>CHESI does not maintain all records supporting implementation of the risk management program.</p>		<p>During the inspection, CHESI was unable to furnish the inspectors with some requested information. However, after the inspection was completed CHESI was able to locate the requested information and has included it as an</p>

				attachment to this response. CHESI is currently streamlining its documentation program and is in the process of storing documents electronically for easier management of records. The company goal is to have this completed by the end of 2015.
7	40 CFR 68.190(b) – The owner or operator of a stationary source shall revise and update the RMP submitted under 68.150 as follows: (1) At least every five years from the date of its initial submissions....	CHESI did not update the information contained in its March 2010 risk management plan submittal from the 2009 risk management plan, which had been unsuccessfully submitted.	Appendix H – 2010 Incidents	The March 2010 RMP submission was a resubmission of the 2009 risk management plan, not a separate submission. A fine was issued because the 2009 RMP was not submitted into CDX correctly.

Areas of Concern

#	Regulatory Citation	Findings/Observations	Supporting Documents	CHESI Response
A		CHESI's operating system automatically calculated daily RMP threshold quantities for regulated chemicals contained on-site, including those handled in the hazardous waste storage building. CHESI does not maintain documentation showing this daily report is completed or that none of the threshold quantities for the chemicals were exceeded.	Appendix L – October 29 and 30, 2013, Daily Chemical Inventories	As a best practice, after the October 2013 NEIC RMP Inspection CHESI now maintains internal documentation showing the applicable information from the daily reports to show that none of the threshold quantities for the chemicals are exceeded. However, this is not required by regulation and is an internally maintained document.
B		CHESI's emergency action plan lists the incorrect facility compliance manager.	Appendix M – Emergency Action Plan	Danielle Reader's last day was 7-31-2013. The Emergency Action Plan was updated 2-14-2014. However, all Emergency

				Contact Lists posted around the facility were updated on 8-20-2013 (revision 17). The Emergency Action has been and continues to be reviewed on an annual basis and is signed by the general manager.
C	40CFR68.81(b) – An incident investigation shall be initiated as promptly as possible, but not later than 48 hours following the incident.	CHESI's "Incident Reporting and Investigations Policy" does not contain timeframes required for initiating incident investigations.	Appendix N – Incident Reporting and Investigations Policy	During the Inspection, Kevin Sherman stated that the investigation begins immediately but must be reported within 24 hours. Please see page 5 of the attached Worksite Analysis, 2-D: Incident Reporting and Investigation Policy stating that the investigation begins immediately.
D		CHESI accepts aerosol cans for handling and has not listed propane on the risk management plan. Non-empty aerosol cans can contain propane in varying amounts.	Appendix O – Aerosol Can Receipts from October 2013 through April 2014	Aerosol cans contain other propellants than propane. The contents of aerosol cans coming into the facility are listed on the packing list that accompanies the containers. CHESI is actively working with customers and Clean Harbors Central Profiling Group to refine all profiles in order to get the best information possible on profiles. However, based on the profile information the RMP threshold was not exceeded.

Attachment Two

2012 Process Safety Management Audit Certification



KIMBALL FACILITY
2247 South Highway 71, Kimball, NE 69145

Audit Certification

This is to certify that all items identified during the Process Safety Management (PSM) audit conducted for compliance with the 29CFR 1910.119(o) at the Kimball, NE. Incineration facility on Mar. 27-29, 2012 have been corrected.

A handwritten signature in black ink, appearing to read "Joel Hunsaker", is written over a horizontal line.

General Manager

A handwritten date "2/24/2015" in black ink is written over a horizontal line.

Date

Attachment Three

Pre-Startup Safety Review of Dual Stacked Shredder System

KIMBALL FACILITY PRE-STARTUP SAFETY REVIEW (PSSR) ATTENDANCE ROSTER

DATE: 10/26/12

TEAM NUMBER: 2012-02-PSSR-01

FACILITATOR: B. Reader

TECHNICAL RECORDER: K. Sherman

AREA: 55

OPERATION: PSSR TEAM APPROVAL FOR THE REDESIGNED NITROGEN BLANKETED DUAL STACK SHREDDER SYSTEM

Employee ID	Employee Name	Title	Signature	Comments
3110	KEVIN SHERMAN	H&S Manager	Kevin Sherman	
22101	D. MOENCH	Rec. Lead	[Signature]	
044056	Matthew Hoppes	Facility Tech	Math Hoppes	
023893	Nathan Kapetky	Facility Foreman	[Signature]	
4966	Paul Luthius	SUP ENCL	[Signature]	
3118	Ken Kelding	Maint Manager	Ken Kelding	

APPROVED FOR OPERATION WITH THE FOLLOWING LIMITATIONS:

1.	
2.	
3.	
4.	
5.	

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Page 19 of 20

Area 55 Dual Stacked Shredder - PSSR Punch List						
Line Item #	Area	Observation	Corrective Action	Assigned to	Target Date	Completion Date
1	Grd Level	Restricted access gate & sign at bottom of Stairway to platform levels of unit	Mount gate and sign	Redding/Mnt.	10/31/2012	10/27/12
2	Grd Level	Old Paint Shredder E-Stop still on south wall, east of the south walkthrough door	Remove	Redding/IE	10/31/2012	11/5/12
3	Grd Level	No pressure relief valve on the discharge of the DD pump	Install valve	Redding/Mnt.	10/31/2012	10/27/12
4	Grd Level	No grounding reel or clamp for vac box position	Install grounding reel	Redding/IE	10/31/2012	11/6/12
5	Grd Level	Grating over floor sump at bottom of stairwell	Install	Redding/Mnt.	10/31/2012	Determined NOT Exit Pathway 11/5/12
6	Grd Level	Exit path not clear out of the Decon Hallway	Post/Mark as needed	Redding/Mnt.	10/31/2012	10/28/12
7	Grd Level	Exit path not clear out of building from bottom of the stairway	Post/Mark as needed	Redding/Mnt.	10/31/2012	10/30/12
8	Grd Level	Emergency Lighting not completed	Install	Redding/IE	10/31/2012	
9	Grd Level	Exit sign above the North walkthrough door from drum conveyor catwalk	Install	Redding/IE	10/31/2012	10/27/12
10	Grd Level	no box stopps installed for Vac-Box, Digout box or metal shards cart.	Install	Redding/Mnt.	10/31/2012	Rollup stop 10/29/12 Vac Box stop 10/29/12
11	Overall	Electrical box/LB covers	Install	Redding/IE	10/31/2012	
12	Overall	Confined Space Entry Signage	Install	Redding/Safety	10/31/2012	10/30/12
13	Overall	Missing Toe board coverage	Install 100% coverage	Contractor	10/31/2012	11/2/12
14	Level 1	Reflective striping on the cross braces	Install	Redding/Safety	10/31/2012	Cross Braces 10/31/12
15	Level 1	No Access to camera on drop chute from discharge screws	Add platform from catwalk to below the camera	Redding/Mnt.	10/31/2012	10/27/12
16	Level 1	Access from catwalk to moving shaft on motor. (K-172)	Install Guard	Redding/Mnt.	10/31/2012	10/27/12
17	Level 1	No guard or handrails at bottom of Screw conveyor on level 1.	Install	Contractor	10/31/2012	10/27/12
18	Level 1	No HVAC line from level 1 to south hopper	Install	Redding/Mnt.	10/31/2012	10/27/12
19	Level 1	Camera connection loose below the SSI Shredder	Finish installation	Redding/IE	10/31/2012	10/27/12
20	Level 2	Camera connection loose below the Shredder	Finish installation	Redding/IE	10/31/2012	10/27/12
21	Level 3	No Signage for E-Stops	Add Signs for all E-Stops	Redding/Mnt.	10/31/2012	
22	Level 3	Plug is missing on bottom of N2 Interlock area	Add plug	Redding/Mnt.	10/31/2012	10/27/12
23	Level 3	Employees can access cable and elevator chain below the existing guards.	Add additional guarding	Redding/Mnt.	10/31/2012	10/27/12
24	Level 3	Employees can access gantry crane electrical cables from level 3	Re-position cables	Redding/IE	10/31/2012	Determined NOT an issue



Attachment Four

Worksite Analysis, 2-D: Incident Reporting and Investigations Policy

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Page 9 of 16

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